

Exhibit 13

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(DEPOSITION EXHIBIT 1 MARKED.)

VIDEOGRAPHER: Today is July 22nd, 2009.

This is the videotaped deposition of J. Tipton Cole taken in the case styled SFA Systems, LLC versus Infor Global Systems, Incorporated, et al, Civil Action No. 6:07-CV-67. The time is 9:15 a.m., we're on the record.

MR. SPANGLER: Are you on the record?

VIDEOGRAPHER: Yes.

MR. SPANGLER: Before I start, considering where we are in the case, just letting you know I am invoking the rule today. So, how do you want to handle that with Maksim is your call.

MR. DION: I don't know if I follow your --

MR. SPANGLER: The rule. Invoking the rule regarding witnesses at trial and hearing the testimony of others. I mean, I thought you guys wanted to do it with Tipton last week, but -- you know --

MR. DION: You know, Mr. Cole was in Maksim's deposition last week.

MR. SPANGLER: And he was told you guys might invoke the rule and he would have to leave, so --

MR. DION: I'm just not sure I understand what the issue is.

MR. SPANGLER: Other than your attorneys

1 this all connects together. So how it does it is by
2 what I described earlier, it takes the message apart and
3 infers that these things happened up the chain. Any --
4 you know, the thing, you you can characterize that
5 inference as being any one of these individual things,
6 take your pick.

7 Q. Okay. So, if we look at the Court's
8 construction of inferring, okay, I think you have on
9 page 18 your report, the logical process by which a
10 factual conclusion is derived from known facts by the
11 application of logical rules.

12 A. Yes.

13 Q. That's what you understand the Court -- how the
14 Court construed the word "infer," right?

15 A. Yes.

16 Q. So if we look at RT server and you say that one
17 of the things it could infer is the occurrence of the
18 event, wherein the event is the collection of data.

19 A. Correct.

20 Q. So, in view of the Court's claim construction,
21 can you explain to me how RT server derives a factual
22 conclusion from known facts by the application of
23 logical rules relative to the collection of data?

24 MR. SPANGLER: Objection form.

25 A. Okay. At the very simplest level, if the data

1 weren't collected, it wouldn't have a message.

2 Q. Well, I can agree that that's true, right, if
3 the data weren't collected, there wouldn't be a message.

4 A. So, in this particular case, when it takes
5 apart the message, it sees the various elements of a
6 message, the -- let's see, I'm trying to remember. But
7 a few of them. One is the event designator, one is
8 the -- I can't remember -- the value name is CID, but I
9 don't remember the field designator. And one of them is
10 a value that's just called value. So, each of the
11 elements in the message is taken, detected, understood
12 and in the process of understanding this it's going
13 through the logical process that I was describing
14 earlier. It has to compare these things to rules that
15 it has in place. That is, I have something that claims
16 it's an event, do I recognize it as an event? Okay? Is
17 this complaint event one of the things that I know? I
18 have a value that's supposed to be a customer I.D. Is
19 there such a customer? Do I -- you know, et cetera.
20 Those things are all part of the inferring the
21 occurrence of the particular event. That is, I received
22 this data, this data was collected, this data was
23 packaged, this data was transmitted.

24 Q. Does RT server at some point actually derive a
25 factual conclusion that the data was collected?

1 MR. SPANGLER: Objection form.

2 Q. THE ATTORNEY: That are used?

3 A. It could be among the known facts or among the
4 logical rules.

5 Q. Okay. So, the inference that we were just
6 talking about where the system infers that data has been
7 collected, how is that based on the detected change in
8 state?

9 A. It is based on the detected change in state in
10 the sense that the logical process begins with that
11 detected change in state.

12 Q. Okay. Is that detected change in state one of
13 the known facts that the logical rules are applied to?

14 A. The detected change in state is a -- is a fact
15 that causes the application of logical rules. So as I
16 was saying earlier related to the logical rules, it's
17 not just a known fact, I mean, if you parse this down,
18 again, to a certain level, if you detect a change in
19 state, once you've detected it, it is now a known fact.
20 Okay? I didn't actually analyze it that way, but -- and
21 you could do that. The actual analysis here is that the
22 detected change in state is part of the application of
23 the logical rules that get you where you want to go.

24 (MR. ZAHER AND MR. OLEKSIUK RE-ENTER ROOM.)

25 Q. Is the detected change in state one of the